UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at KNOXVILLE

BERNARD KANE JOHNSON)	
Petitioner,)	
)	
V.)	No. 3:06-cv-29
)	Phillips
)	
VIRGINIA LEWIS, Warden)	
)	
Respondent.)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

CLERK OF COURT